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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/863,920 | 05/23/2001 | Jean-Louis Blanchard | FR919990071US1 | 1618 |

7590 03/14/2003

IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 218
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EXAMINER

FELTEN, DANIEL S

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3624

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/863,920

Applicant(s)
Blanchard et al

Examiner
Daniel Felten

Art Unit
3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 23, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 09/863,920 on May 23, 2001. It is noted, however, that applicant has not filed a certified copy of the EP) 00480047.0 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US 6,272,474 B1).

Garcia discloses a data processing system showing the price evolution of a plurality of stocks via the Internet, by which a candle stick display is used to indicate the high and the low sale price, the opening and the closing prices, and a subtime period that indicates the percentage

1 of sales that have occurred between the bid and the ask price (see Garcia, col. 5, ll. 20+; and
2 col. 6, ll. 48 +). Garcia fails to disclose a processor and a data storage means for storing
3 data. However, it is notoriously old and well known in the art that websites are graphical user
4 interfaces that are launched by a web browser, found on a local computer (client), a webserver.
5 Both the client and the server both have processing and storage capabilities. Thus to provide
6 processing and storage capabilities to the website display disclosed by Garcia would have
7 constituted an obvious expedient to one of ordinary skill in the art.

8
9 **Conclusion**
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12 4. Any inquiry concerning this communication or earlier communications from the examiner
13 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
14 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
15 Any inquiry of a general nature relating to the status of this application or its proceedings should
16 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
17 **Vincent Millin** whose telephone number is (703) 308-1065.
18

19 5. Response to this action should be mailed to:
20

21 Commissioner of Patents and Trademarks

22 Washington, D.C. 20231
23

Serial Number: 09/863,920

Applicant(s): Blanchard et al (705/37)

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Art Unit: 3624

Representative: Zarick (43,303)

1 for formal communications intended for entry, or (703) 305-0040, for informal or draft
2 communications, please label "Proposed" or "Draft".

3 Communications via Internet e-mail regarding this application, other than those under 35
4 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
5 addressed to *[daniel.felten@uspto.gov]*.

6 All Internet e-mail communications will be made of record in the application file. PTO
7 employees do not engage in Internet communications where there exists a possibility that
8 sensitive information could be identified or exchanged unless the record includes a properly
9 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
10 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
11 Trademark on February 25, 1997 at 1 195 OG 89.

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15 DSF
16 March 4, 2003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600